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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,993	08/04/2003	Jaroslav Hynccek	TI-36483	5016

23494 7590 04/08/2008

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 04/08/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

Communication Re: Appeal

Application No.

10/633,993

Examiner

JOHANNES P. MONDT

Applicant(s)

HYNECEK, JAROSLAV

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
- (c) ☐ the appeal fee received on _____ was not timely filed.
- (d) ☐ the submitted fee of \$_____ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$_____.
- (e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☐ The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:

- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
- (c) ☐ the submitted brief fee of \$_____ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).

3. ☒ The appeal in this application is DISMISSED because:

- (a) ☒ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (c) ☐ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.
- (d) ☒ other: See Continuation Sheet.

4. ☒ Because of the dismissal of the appeal, this application:

- (a) ☒ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration.

Continuation of 3. (d) Other: 37 CFR 41.37(d) states:

"If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed".

The Office has repeatedly reminded Appellant of the requirement to "map each independent claim (claim 11, i.e.) to the Specification by page and line number, and to the Drawings, if any". Instead, even after the filing on 1/24/2008 in Reply to the Action mailed 1/8/2008, Appellant provided merely a delineation of the relevant portion of the Specification, ranging over three pages of the Specification, without any mapping. Evidently, Appellant has repeatedly failed to comply with said requirement. Because the period for obtaining an extension under 37 C.F.R. 1.136(a) has expired the Appeal is dismissed. Because there are no allowed claims, the application is abandoned.

/Johannes P Mondt/
Primary Examiner, Art Unit 3663